

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------|---|---------------------|
| JEFFREY HUNTER, | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA | : | |
| et al., | : | |
| Defendants. | : | No. 15-2737 |

ORDER

AND NOW, this ____ day of November, 2015, upon consideration of the City of Philadelphia's Second Motion to Dismiss (Docket No. 9), Plaintiff's Second Amended Complaint (Docket No. 11), the City's Third Motion to Dismiss (Docket No. 12), and Plaintiff's Opposition (Docket No. 13), it is hereby **ORDERED** that:

1. Defendant's Second Motion (Docket No. 9) is **DEEMED moot**.
2. Defendant's Third Motion (Docket No. 12) is **GRANTED**. Count II of Plaintiff's Second Amended Complaint, which is the only claim against the City of Philadelphia, is **DISMISSED**.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE